



SENATE BILL 871: Raleigh/Durham/Deannexation/Annexation

2013-2014 General Assembly

Committee: House Finance
Introduced by: Sens. McKissick, Woodard
Analysis of: Second Edition

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Prepared by: Greg Roney
Committee Counsel

SUMMARY: *Senate Bill 871 deannexes a described area from the City of Raleigh and annexes the area into the City of Durham.*

CURRENT LAW: Under Section 1 of Article VII of the N.C. Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable."

North Carolina law sets forth four basic ways in which a municipality may annex an area.

- Voluntary Annexation. – The owners of all real property in an area contiguous to the municipality desiring to be annexed sign a petition requesting annexation.
- Voluntary Satellite Annexation. – The owners of all real property in the area desiring to be annexed sign a petition requesting annexation, if it otherwise meets the statutory requirements.
- Municipal-Initiated Annexation subject to a referendum. – The municipality initiates annexation proceeding, pursuant to statutory requirements.
- Legislative Act. – The General Assembly has the authority to extend the boundaries of any municipality.

The General Assembly has not enacted any method for municipalities to *deannex* property – that power remains with the General Assembly.

BILL ANALYSIS: The bill deannexes a described area from the City of Raleigh and annexes the area into the City of Durham. The bill provides that it does not affect the validity of any liens of the City of Raleigh for outstanding ad valorem taxes or special assessments.

BACKGROUND: According to news reports, the bill would move about 1 acre near Brier Creek from Raleigh to Durham to allow the development of a larger track of land into a mixed-use development called The Corners at Brier Creek.

EFFECTIVE DATE: This act becomes effective June 30, 2014.

Heather Fennell and Shelly DeAdder with the Research Division substantially contributed to this summary.

